

U.S. Patent Application No. 10/085,659
Reply to Final Office Action dated March 7, 2006

PATENT
450100-03743

REMARKS/ARGUMENTS

Reconsideration and withdrawal of the rejections of the application are respectfully requested in view of the remarks herewith.

I. STATUS OF THE CLAIMS AND FORMAL MATTERS

Claims 1-23 are pending in this application. Claims 1 and 10-23 are independent.

II. REJECTIONS UNDER 35 U.S.C. §103(a)

Claims 1-23 were rejected under 35 U.S.C. §103(a) as allegedly unpatentable over WO 01/33846 to Burstyn (hereinafter, merely "Burstyn").

Claim 1 recites, *inter alia*:

"An optical state modulation method comprising:

periodically modulating luminance of an original display image in temporal domain so as to generate an optical state variation on a recorded image that is obtained by image-capturing of the modulated display image...

utilizing a rotation filter, including a rotate-able filter part having a sinusoidal density variation along its circumferential direction, in said luminance modulation." (emphasis added)

As understood by Applicants, Burstyn relates to preventing the illegal recording of film and video through a film anti-piracy system by introducing distortion into an illegally copied image while maintaining a high quality image for viewing by a legitimate audience. Distortion or interfering signals are substantially invisible to the legitimate viewing audience as the frequency of the interfering signal renders the interference imperceptible to a human viewer. Illegally copied film and video present a distorting signal that has a frequency value where the

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difference between the distorting signal frequency and a recording frame rate is within a viewable range to the human viewer.

It is respectfully submitted that Burstyn fails to teach or suggest the features of claim 1. Specifically, the Office Action states that "Burstyn does not explicitly recite a rotating filter..." (See Office Action page 3).

The Examiner asserts that it would have been obvious to one of ordinary skill in the art for Burstyn to "utilizing a rotation filter, including a rotate-able filter part having a sinusoidal density variation along its circumferential direction, in said luminance modulation." Applicants traverse and request that the Examiner provide documentary evidence to support the Examiner's position in accordance with MPEP 2144.03(C). Moreover, Applicants submit that Burstyn does not provide a rotation filter which includes a rotate-able filter part having a sinusoidal density variation along its circumferential direction, in said luminance modulation as suggested by the Examiner.

Applicants submit that Burstyn fails to teach or suggest the above-identified features of claim 1. Specifically, Applicants submit that there is no teaching or suggestion of an optical state modulation method utilizing a rotation filter, including a rotate-able filter part having a sinusoidal density variation along its circumferential direction, in said luminance modulation, as recited in claim 1.

Applicants submit that to establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation to modify the reference or to combine reference teachings either in the references themselves or in the general knowledge available to one of ordinary skill in the art; second, there must be a reasonable

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expectation of success; third, the prior art reference or references must teach or suggest all the claim limitations. M.P.E.P. § 2143.

Applicants submit that the fact that Burstyn relates to preventing the illegal recording of film and video through a film anti-piracy system by introducing distortion into an illegally copied image while maintaining a high quality image for viewing by a legitimate audience is not sufficient to assert that it would have been obvious for one of ordinary skill in the art to clarify Burstyn to teach utilizing a rotation filter, including a rotate-able filter part having a sinusoidal density variation along its circumferential direction, in said luminance modulation, as recited in claim 1. Applicants submit that there is no suggestion or motivation for one skilled in the art to utilize a rotation filter having a rotate-able filter part in luminance modulation.

Therefore the instant invention is not obvious and Applicants respectfully submit that claim 1 is patentable.

Therefore, Applicants submit that independent claim 1 is patentable.

For reasons similar to those described above with regard to independent claim 1, independent claims 10-23 are also believed to be patentable.

Therefore, Applicants submit that independent claims 1 and 10-23 are patentable.

III. DEPENDENT CLAIMS

The other claims in this application are each dependent from the independent claim discussed above and are therefore believed patentable for at least the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

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CONCLUSION

In the event the Examiner disagrees with any of statements appearing above with respect to the disclosure in the cited reference, it is respectfully requested that the Examiner specifically indicate those portion or portions of the reference, providing the basis for a contrary view.

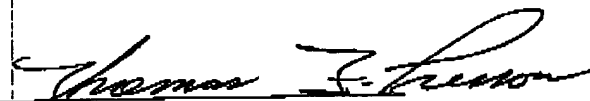
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In view of the foregoing remarks, it is believed that all of the claims in this application are patentable and Applicants respectfully request early passage to issue of the present application.

Respectfully submitted,

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